

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:

TAKI TOOO

DCA-03-MM-035

Thursday,
June 19, 2003

INTERVIEW OF :

JOHN WARD

PRESENT :

BILL WOODY

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P R O C E E D I N G S

MR. WOODY: Okay. Just repeat a couple of things before I got the recorder going.

John Henry Ward, birthday 4/12/60. And you operate a 23 foot sports craft, an open boat that you do commercial fishing, ground fishing, and I think you said you are licensed for near shore.

MR. WARD: Right. I am inspected with all the near shore safety equipment.

MR. WOODY: And you said you had been four or five years, four years for sure operating out of Garibaldi.

MR. WARD: Right.

MR. WOODY: And when you arrived at the Bar, the Oakland pilot was there, and the 47 footer.

MR. WARD: Right.

MR. WOODY: Forty seven, two, ten. And then you, the third boat was the Amanda.

MR. WARD: Right.

MR. WOODY: And then there was the D&D, followed closely behind by the T&T.

MR. WARD: The Taki Too.

MR. WOODY: Taki Too, right.

Now, do you recall the time, any times that these, that you arrived and the time that they arrived?

MR. WARD: No, I wasn't, I was not observing my watch. Let's see the Oakland pilot was there probably four minutes after I got there. The D&D and the Taki Too showed up, and then maybe five, 10 minutes later the Norwester came and then the Norwester immediately took a position and it was in the, what we call the soft zone on the north side of the bar, just inside from the tip, maneuvering his vessel backwards into the current waiting for his opportunity and small swells, so he could make his access.

MR. WOODY: Okay. So, the Norwester was the last one to arrive, so he would, he would have been about 20 minutes after you got there.

MR. WARD: Something like that.

MR. WOODY: Something like that. Okay.

And you didn't cross and you didn't tell me the reason you didn't cross that day? You said that you --

MR. WARD: Every vessel that exited, I immediately maneuvered myself into a position where I could observe their passage across the bar.

MR. WOODY: Okay.

MR. WARD: What current, and the conditions they were facing as they were crossing the bar.

MR. WOODY: Okay.

MR. WARD: Every one of the vessels I did

1 that. As a note, when the Norwester made his move
2 to cross the bar, the 47 immediately ran up to the,
3 to observe the Norwester's crossing.

4 MR. WOODY: Okay.

5 MR. WARD: At no other time and for no other
6 vessels did the 47 do that. It stayed back away
7 from the bar, somewhere between the pits and the
8 tower, in the middle, you know, kind of just hanging
9 back there watching what we do.

10 MR. WOODY: Okay.

11 MR. WARD: But, they did, but they did run
12 up to bar to watch the Norwester cross, but did not
13 do so for the other vessels.

14 MR. WOODY: Okay. Why don't you just go
15 ahead and describe what you, what you saw that day,
16 just like you are doing now. Now, the Norwester was
17 the first one to cross, even though he was the first
18 one there. And --

19 MR. WARD: Can you hold on one second for
20 me.

21 MR. WOODY: Sure.

22 MR. WARD: I have something here.

23 (Pause.)

24 MR. WARD: I did put it on down paper, you
25 know, the whole, the whole thing. I don't know if I
26 have got it. Oh, boy.

27 (Pause.)

28 MR. WARD: I can probably do it with memory,
29 because it went through my mind when I saw them
30 trying, before I finally got it all wrote down.

31 The Norwester choice of set was
32 approximately four to seven foot, non breaking
33 swells in the north end of the bar.

34 MR. WOODY: Okay.

35 MR. WARD: However, he took a west, western
36 course and kept it and maintained it at a pretty
37 good throttle but when he got an eighth of mile, he
38 got off the bar with no problem, but holding that
39 course, at about eighth of a mile from the bar, he
40 encountered a couple of eight to 10 foot swells.
41 They were kind of crispy and his bough cut through
42 them and he was gone, you know. His exit was pretty
43 good.

44 MR. WOODY: Okay.

45 MR. WARD: Then the Oakland Pilot went
46 second
47 and his set was about five to eight foot when he
48 crossed the bar, when he decided to go, and he took
49 a little bit more the northwest course than the
50 Norwester did. And he maintained his course at a
51 pretty good throttle, but when he got to that eighth
52 mile line, he encountered two 10 foot breaking
53 swells, that allowed me to see the top of his vessel

1 at a 17 degree angle twice. And I thought, whoa.
2 That is pretty heavy duty.

3 Then the D&D sat inside for a considerable
4 amount of time, maybe as long as up to 15 minutes,
5 in the same prop area, waiting for the soft set, so
6 he could cross the bar.

7 MR. WOODY: And the soft set as you told me
8 before, the area up there just south of the north
9 jetty.

10 MR. WARD: Right, normally in the bar, due
11 to the erosion of the bar and the filling of the
12 north half of the bar, there is not a straight
13 channel that goes out.

14 MR. WOODY: Right.

15 MR. WARD: Each channel runs along the north
16 jetty and makes a swooping curve and runs right
17 across the south jetty. That is the deep channel
18 that everybody normally operates in and out of the
19 bar on, because it is the safest spot, because of
20 the deeper water. However, a large slow bay on an -
21 - tide when the current is coming out to the bay, it
22 makes that curve and the deep, as it doing it, it is
23 pushing up that bank onto the sandbar and the swells
24 are coming off the top of that sandbar and it makes
25 some pretty wicked waves a lot of the time.

26 MR. WOODY: So, what --

27 MR. WARD: However, on normal days,
28 depending on which way the swells are coming from
29 and how large the swells are, the south hole, which
30 is, you know, across the south tip, is the normal
31 predictable soft set area that we use.

32 MR. WOODY: Okay.

33 MR. WARD: The north hole is rare for it to
34 be the soft set area where we enter and exit, you
35 know, so, it was, I believe that day the reason that
36 the north side showed consistent and regular
37 predictable soft sets for awhile just before the
38 tide changed, was because there was west swells,
39 there was northwest swells a little smaller and
40 southwest swells as well. And every, every so often
41 the swells, all three directions of the swells would
42 meet and create a very large swell. So, the south
43 hole was closed because the current was running
44 straight into the swells, causing waves.

45 MR. WOODY: Okay.

46 MR. WARD: The west swells were coming off
47 the hill, hitting the current causing even more
48 delays, but, the northwest swells, which were the
49 smallest, coming across the tip of the north jetty
50 would calm down every once in awhile. Because the
51 current makes that left hand turn, so, it left the
52 current a lot slower at the north half of the jetty
53 and the smaller northwest swells were giving

1 opportunities for us to exit.

2 And then the D&D, when he took his set, he
3 took one that was about four to six foot, non
4 breaking on the bar when he decided to cross and
5 about eight seconds into his crossing, the, the set
6 that he choose deteriorated to the point where what
7 was north of him was calmer than what he would have
8 faced in continuing on his course, so he turned
9 almost north, northwest, to get off of the bar into
10 the softer zone where there were swells. However,
11 that area due to the last three years of erosion of
12 the beach there, the -- Jetty Beach, you know, just
13 inside the jetty, that corner, that beach used to go
14 way out there.

15 MR. WOODY: Okay.

16 MR. WARD: Big and from the storms, it has
17 washed all that sand out in front of the north
18 jetty, and caused an even higher hill in front of
19 the passage or the deep part to the channel that
20 swoops to the right in front of the south jetty.

21 MR. WOODY: Okay.

22 MR. WARD: So, this particularly creates
23 this really dangerous situation.

24 As far as I could see, his passage was fine
25 and then he disappeared around the tip of the north
26 jetty and at a more north course, so I couldn't see
27 him anymore.

28 Then the Taki Too --

29 MR. WOODY: Go back to the D&D one more
30 time.

31 MR. WARD: Sure.

32 MR. WOODY: What was his initial course
33 going out?

34 MR. WARD: Like everybody, the initial
35 heading, when the choices were made for all vessels,
36 the initial heading when the choice was made and the
37 throttle was put down, all the vessels took a west,
38 west, northwest course.

39 MR. WOODY: West, northwest course. Okay.

40 MR. WARD: West, west, northwest. See, that
41 way you are kind of, you are going on the north half
42 of the bar, and you are headed out, into the ocean,
43 at a very slight angle to most of the swells and
44 breakers as they occur. And then you exit the bar
45 quicker than if you went straight west.

46 MR. WOODY: Okay.

47 MR. WARD: If you go straight west, you have got
48 a lot of bar to cover.

49 MR. WOODY: Right. And you have got the
50 shallow ground to --

51 MR. WARD: Right. Oh, that is horrible out
52 there.

53 MR. WOODY: So, I think I heard you say west

1 of, west, northwest.
2 MR. WARD: West, west, northwest.
3 MR. WOODY: West, west, northwest, okay.
4 MR. WARD: Yes, that is just a hair north of
5 going straight west, you know what I mean?
6 MR. WOODY: Yes.
7 MR. WARD: So, that way at an angle to the
8 bar as slight as possible so that whatever we do
9 encounter, we do encounter it in the manner that it
10 is not
11 cause our vessel a bunch of trouble.
12 MR. WOODY: Just north of west, the course
13 of the would be 270, would that be 280, 290? Any
14 idea?
15 MR. WARD: No, I don't know that my compass
16 is exactly accurate.
17 MR. WOODY: Right.
18 MR. WARD: But, if you go straight, parallel
19 with the north jetty and then veer to the north
20 approximately 10 to 15 degrees.
21 MR. WOODY: Okay.
22 MR. WARD: That is the course everybody
23 took, in fighting to cross the bar.
24 MR. WOODY: Okay. And I interrupted you,
25 you had started to talk about the Taki Too.
26 MR. WARD: Yes, the Taki Too, as well,
27 seemed the same spot in the safe zone, as close to
28 the jaws as possible, backing into the current,
29 waiting for a set.
30 MR. WOODY: Okay.
31 MR. WARD: And I remember when he decided to
32 put his throttle down, I was in a very good position
33 to observe what he was looking at, the currents, the
34 waves, the swells, and the set that he choose was
35 the best one of them of all. I would say his set
36 looked like four foot to six foot swells, no
37 breakers.
38 MR. WOODY: Six.
39 MR. WARD: However, six seconds into the
40 crossing, after he, you know, put his throttle down
41 and made his decision to go, within six seconds what
42 was in front of him, deteriorated, began to grow
43 sharply and close together and began to break. He
44 went over one, he went over another one, and then in
45 my observation he turned to the north because what
46 was north of the bar, you know, he was pass the
47 jetty, approximately 200, not even quite 200 feet.
48 Between 100 and 200 feet, he made his turn to the
49 north, how, why, I am not sure, it is my opinion
50 that he was looking at a deteriorating set that was
51 great, and turned into ugly right in front of him,
52 within a matter of seconds, and turn to the north to
53 get off of the bar over where there is just swells.

1 But, when he made his turn, and as his stern
2 disappeared around the north jetty, on a northward
3 course, I looked at the ocean and I saw two very
4 large swells that were breaking in the same area
5 that the Norwester and Oakland Pilot encountered
6 their large swells out in the ocean off the beach.
7 And I looked at my passenger, my crew member and I
8 said, God, I hope he doesn't get caught. And at
9 that moment, some very large swells came in the
10 mouth and I turned my vessel around and rode the top
11 of one all the way back to the tower. And then I
12 turned my vessel around and as I was headed back
13 towards the bar, I went over another one that was
14 even bigger.

15 MR. WOODY: Okay.

16 MR. WARD: As I was reproaching the jaws, the 47
17 was almost keel to keel with me on a course back to
18 the mouth. And as I was heading back west to the
19 mouth, I heard the broadcast by Mark Surl, who is
20 the owner/operator, captain of the Sundance make a
21 broadcast -- Bay, Coast Guard, the Taki Too has
22 turned upside down just north of the north jetty,
23 just outside of the breakers.

24 MR. WOODY: Any idea of the time?

25 MR. WARD: No. I was not, well, I probably
26 could have, I don't wear a watch. I use my cell
27 phone if I want to check the time.

28 MR. WOODY: Okay.

29 MR. WARD: But, you know, it was just kind
30 of a sick feeling because the broadcast was loud and
31 clear.

32 MR. WOODY: Okay.

33 MR. WARD: And the amount of time went by,
34 in my opinion it was almost a minute, could have
35 been between 30 seconds and a minute, did not
36 respond. Mark repeated his broadcast and said the
37 Taki Too is upside down, just outside the surf.

38 MR. WOODY: And Mark is, Mark is the
39 operator of the 27 footer?

40 MR. WARD: No, no, no, he owns a charter
41 vessel that ports out of here, it is called the
42 Sundance.

43 MR. WOODY: Sundance.

44 MR. WARD: He said, this is the Sundance,
45 the Taki Too just turned upside down, just outside
46 the surf, just north of the north jetty.

47 MR. WOODY: How would he have known that?

48 MR. WARD: Because he was in his vehicle on
49 the jetty.

50 MR. WOODY: Oh, okay.

51 MR. WARD: It was a land broadcast. I knew
52 he was in his vehicle and I knew he had to be there
53 because when I left port, I saw his boat still

1 sitting there.
2 MR. WOODY: Okay. Let me write his name
3 down, again. I just, okay, one more time with his
4 name.
5 MR. WARD: Mark Surl, S-U-R-L.
6 MR. WOODY: S-U?
7 MR. WARD: Yes.
8 MR. WOODY: U-R-E-L?
9 MR. WARD: I think it is S-U-R-L, there
10 might be an E on the end, but I know it is S-U-R-L.
11 MR. WOODY: S-U-R-L. Okay.
12 MR. WARD: And he owns the Sundance.
13 MR. WOODY: Okay.
14 MR. WARD: Yeah, I have passengered and deck
15 for the Dana on the Oakland Pilot, I have decked for
16 Mark Surl on the Sundance. I have never been on the
17 Norwester, the D&D or the Taki Too.
18 MR. WOODY: Okay.
19 MR. WARD: But, I have decked and have been
20 on those vessels more than once.
21 MR. WOODY: Okay.
22 MR. WARD: Over the course of a couple of
23 years.
24 MR. WOODY: How does the Sundance size
25 compare to Taki Too?
26 MR. WARD: It is a bit smaller.
27 MR. WOODY: A bit smaller.
28 MR. WARD: It is a bit smaller. He has got,
29 he has got a better rough water valve, though.
30 MR. WOODY: Okay.
31 MR. WARD: Mark canceled his trip -- because
32 he knew it was going to be pretty bad.
33 MR. WOODY: Okay.
34 We talked to one operator, -- and he said
35 that it was his policy whenever the swells were
36 double digit and they were 10 foot or greater.
37 MR. WARD: Right.
38 MR. WOODY: He didn't go. He canceled.
39 MR. WARD: Sure.
40 MR. WOODY: Have you heard of anybody else
41 having that kind of a criteria for going out?
42 MR. WARD: I, I kind of do.
43 MR. WOODY: You kind do.
44 MR. WARD: I kind of do. It depends on the
45 tide. If the tide is coming in fully, you know, it
46 is on its way in, there is little or no possibility
47 of breakers on the bar.
48 MR. WOODY: Okay.
49 MR. WARD: You have just the large swells,
50 just like you do on the beach. Unless you get out
51 in the middle, out there where it is shallow, and
52 you need to stay away from there, but on an incoming
53 tide, the swells can be up to 12 foot and there is

1 still sets of swells that don't break in the south
2 hole.

3 MR. WOODY: Okay.

4 MR. WARD: I mean, like I say, -- bar, it is
5 predictable, but treacherous.

6 MR. WOODY: Okay.

7 MR. WARD: On the average most of the time.
8 But, when you get southwest swells or west,
9 southwest swells, it makes the south hole very
10 difficult. And if you get very large swells, it is
11 more often that the north hole shows breaks of
12 opportunity to cross, but you have got to do it
13 pretty quick.

14 MR. WOODY: Yeah, you have given me good
15 information. I appreciate this. This is --

16 MR. WARD: Sure.

17 MR. WOODY: This is great.

18 MR. WARD: I have got it in writing, and if
19 you, when you done talking, if you can give me an
20 address, I will be happy to send it to you.

21 MR. WOODY: Oh, I would be please to, indeed
22 I would.

23 Would you have the phone number for Mark
24 Surl? We might be well to give him a call.

25 MR. WARD: Yeah, if I can continue?

26 MR. WOODY: Yes, please do, yes.

27 MR. WARD: If you will allow me.

28 MR. WOODY: Yes, indeed.

29 MR. WARD: After I heard Mark's second
30 broadcast, that the Taki Too was upside down, I
31 mean, it was a very abrupt second broadcast and it
32 was still, it seemed to me like almost a full minute
33 and no response until he broadcasted it on Channel
34 16. There was still, there was no response from --
35 Bay. And I am sitting there just inside of the 47,
36 because the swells are getting bigger, because the
37 tide is starting to change, and there was no
38 opportunity for me to get close at that time, so I
39 just sat there staring, me and my partner were
40 staring at the guys on the 47. Just staring at
41 them, waiting for them to go, you know, because they
42 are suppose to monitoring 16 and 22.

43 MR. WOODY: Yes.

44 MR. WARD: After, after, after a long period
of time, almost a full minute, Astoria responded to Mark's
broadcast.

45 MR. WOODY: Okay.

46 MR. WARD: And it was at that time that I
47 realized the -- apparently didn't have a clue for
48 some reason.

49 MR. WOODY: Okay.

50 MR. WARD: So, I put my throttle down, on
51 full throttle and I aimed my vessel right at the

1 stern of the 47, I got within 75 feet of their
2 stern, turned my boat around in case I needed to run
3 back in, and screamed at the guys, I said, there is
4 a boat out there upside down, go, go, signaling to
5 me and my crew members that one of the fellows up on
6 the bridge kind of just waved at us. And that was,
7 a very wenching moment, you know, and I maintained
8 space in the area because, you know, as a mariner it
9 is my, it is my duty to render assistance if it is
10 at all possible without risking my vessel or my
11 crew. However, as much as I wanted to get go
12 fishing, I wanted even more to go help some people,
13 but on the other hand, there was no opportunity that
14 arose for me to cross the bar since the ocean
15 started coming back in and the bigger swells were
16 actually pointing in across the bar.

17 And about 30 seconds later, -- responded,
18 the 47 went to the jaws, waited for a set and took
19 off. In my estimation if it had responded
20 immediately to Mark Surl's broadcast, they could
21 have been on the site of the capsized Taki Too in
22 less than two minutes.

23 MR. WOODY: Okay.

24 MR. WARD: I still maintained station after
25 they crossed the bar. The next vessel to cross was
26 the second Coast Guard vessel, I don't remember if
27 it was a 44 or 47, but I still maintained station
28 because I know people are out there and those guys
29 the boats aren't going to be able to handle the
30 whole situation, so I wanted to go, I wanted to go,
31 I kept getting closer to the bar and closer to the
32 bar, waiting and watching. But, at no time did
33 anything look near anymore, as anything that the
34 other boats crossed. So,
35 I was unable to exit the bar.

36 Then the chopper showed up and I still
37 maintained station for another 10 minutes and then I
38 looked at my partner and I says, we have got to go.
39 There is no point in us even staying here. Because
40 it was getting really big coming in.

41 And I went back in and tied up my boat and
42 manned the trollers, and about 10 minutes later,
43 Mark Surl showed up and at some point while I was
44 still maintaining station and the vessels and the
45 helicopter were rendering assistance, -- requested a
46 response from Mark and Mark wasn't available because
47 I knew he went out in the surf to help people. So
48 he didn't respond, because he is that kind of guy,
49 you know, he jumped out of his truck, put his stuff
50 down, and went out and started dragging people out
51 of the surf. And I informed Astoria, you know, by
52 who I was, and that that was a land broadcast by
53 Mark Surl of the, of the Sundance, not a, you know,

1 he was on land when he made the broadcast.
2 MR. WOODY: And --
3 MR. WARD: They thanked me for the
4 information and that was the end of the
5 broadcasting.
6 MR. WOODY: And that was Channel 16.
7 MR. WARD: Yes.
8 MR. WOODY: Okay.
9 MR. WARD: I have, I do want to say, though,
10 if I had been at the time and place where the Taki
11 Too was when Doug made his decision to cross, I
12 would have done it as well.
13 MR. WOODY: You would have?
14 MR. WARD: Oh, yeah, I would have took that
15 bet in a heart, because it was the best one of all.
16 It looked so nice. He looked like he was going to
17 have no trouble at all, nice smooth sailing across
18 the north side and out he would have went. But, I
19 know for a fact, from my own experiences, that even
20 after crossing the bar, for instance, a couple of
21 years ago I had 21 footer that was called the Mary
22 Warren, and I went into the Mayhallin(ph) to get
23 fuel, because I had gone very far north and I went
24 into the Mayhallin to get fuel and on my way back
25 out, I encountered three to four foot breakers on
26 that bar, and after I crossed the bar, I was headed
27 out into the ocean and the normal ocean swell that
28 was coming at me, just continued to grow and grow
29 and grow and grow and grow, and my vessel would turn
30 on a dime, but it wouldn't turn back very easily, so
31 I just choose to keep going at it, and by the time
32 my bough poked that big thing, I couldn't even see
33 that top of it. It almost tore the whole bridge
34 right off my boat.
35 MR. WOODY: Okay.
36 MR. WARD: It instantly put me in 10 inches
37 of water inside my boat, the engine died, I had to
38 jump out and start hooking the anchor to get out of
39 that spot until my boat's pumps pumped the water out
40 and my motor would restart and we were back on our
41 way to -- So, I know for a fact, you know, that in
42 the shallows of the coast, and the shallows of the
43 Pacific ocean, I mean, five sets -- five to six sets
44 assumes a very large swell or two. And what looks
45 okay, turns into something really big, really fast.
46 I mean, within a matter of seconds. And my heart
47 just wretched because when Doug turned, I heard that
48 swell was what caused him to turn.
49 MR. WOODY: Yes.
50 MR. WARD: But, I am not so sure about that,
51 because it wasn't, it didn't look to me like the
52 vessel was being pushed. It looked to me like, he
53 just backed off the throttle some, turned and then

1 hit his throttle again to go north, you know, to get
2 off of the bar, because he had already cleared the
3 tip.

4 MR. WOODY: You think --

5 MR. WARD: And what I saw over there was
6 swells but no breakers.

7 MR. WOODY: Yes.

8 MR. WARD: What he was facing on a continued
9 course, was bigger breakers that were sharp and
10 close together, which would cause the vessel his
11 size considerable trouble. The Taki Too doesn't
12 exactly have a water cutting valve.

13 MR. WOODY: Do you -- Okay. That is
14 important. Did you see any point in his going out
15 where you would expect him to slow down or back
16 these engines?

17 MR. WARD: When he put the throttle down,
18 made a choice to exit on the same course that
19 everybody else took, he gave it good throttle, but
20 after he went over a couple of, couple of the first
21 few small swells of the set, was when the ones out
22 there started to deteriorate and of course as the
23 bigger swells come at you, you need to back your
24 throttle down and, and maintain your heading so that
25 your vessel doesn't leap out of the water and you
26 don't lose propulsion and you don't cause cavitation
27 of the propeller, so that you can maintain, you
28 maintain navigation, you back off your throttle when
29 your -- gets into a large cutting, a large breaker,
30 a large swell, that is sharp. Because it pushes you
31 back a little bit as your bough cuts it, and if you
32 don't keep your prop in the water, you end up with
33 air underneath your prop and then you get
34 cavitation. I did not observe that happening. I
35 mean, he did everything right and he made all the
36 right choices. I would have made the same one,
37 however, it just deteriorated and even though
38 turning the north was what did he in, I probably
39 would have did the exact same thing.

40 The problem that I think he had is my, my
41 perspective of his course, was from up on a swell at
42 the same time that he was down in-between swells,
43 after he went over the second one, he was down in-
44 between, and when he turned to the north, even
45 though it was calmer over there, I don't think he
46 could see what was coming out of the ocean. You
47 know, I don't think there was any way he could see
48 it.

49 MR. WOODY: Okay.

50 MR. WARD: It was kind of an ugly deal. My
51 exact words, I looked at my crew member and I said,
52 I hope he doesn't get caught.

53 MR. WOODY: Yes, I did want to ask you the

1 name of your crew member, too, if you would?
2 MR. WARD: His name is Jerry, oh, goodness,
3 I have it in my wallet. One second, please.
4 (Pause.
5 MR. WARD: He lives in -- Rocko, by the way.
6 (Pause.)
7 MR. WOODY: That is all right.
8 MR. WARD: I will tell you what, I will send
9 that information along with the written explanation
10 that we are going over. I can't remember his last
11 name.
12 MR. WOODY: Okay. That is all right.
13 MR. WARD: But, you know, his response, you
14 know, in the circumstances at the time that Taki Too
15 capsized, the moment immediately following, I felt
16 sick and wanted to cry, however, my crew member was
17 becoming furious because nobody was doing anything.
18 And I didn't get back on the radio to continue to
19 repeat Mark's broadcast for fear of interrupting an
20 emergency broadcast from the station to the vessel.
21 MR. WOODY: Yes.
22 MR. WARD: So, I just kind of kept quiet and
23 didn't get on my radio. But, right now, I would say
24 it was a mistake, you know, in hindsight it was
25 probably a mistake.
26 MR. WOODY: Did you hear any broadcast from
27 the tower?
28 MR. WARD: No.
29 MR. WOODY: Do you ever hear any broadcasts
30 from the tower?
31 MR. WARD: I don't remember any, no, not
32 until after the, not until after -- responded.
33 MR. WOODY: Okay.
34 MR. WARD: To go to the scene.
35 MR. WOODY: Okay.
36 MR. WARD: Then there was some radio traffic
37 and I really wasn't paying any attention to it,
38 because I was really watching the bar and seeing if
39 I could get out there.
40 MR. WOODY: Did you ever hear any traffic of
41 any kind that was associated with the EMTs arriving
42 on scene? Any reference to them in the traffic that
43 you could tell?
44 MR. WARD: No, I have to say it again, you
45 know, once the 47 crossed, and proceeded to the, to
46 the place where the Taki Too had capsized, I watched
47 intently with all of my, with all of my ability to
48 the bar, because they were getting bigger and worse,
49 and I was looking for a set that I could go out on.
50 Even though my crew member was totally against it.
51 You know, we have a duty, and if I can do it, I am
52 going to do it, but I am not going to risk the boat
53 and our lives. So, I gave it every opportunity and

1 it took all my attention. I do remember, however,
2 considerable amount of sporadic radio traffic
3 regarding emergency responses.

4 MR. WOODY: Okay. Now, do you happen to
5 have Mark Surl's telephone number?

6 MR. WARD: If I can --

7 MR. WOODY: And what --

8 MR. WARD: I knew I had brought it. I am at
9 work and this is all okay because my boss knows what
10 happened, and he knows, you know, I have some
11 obligations.

12 MR. WOODY: Yeah, yes. I appreciate your
13 calling and when I got back I had your voice mail on
14 my phone.

15 MR. WARD: Right.

16 MR. WOODY: And Bob, Bob Porter was going to
17 be the one to call you, but and he may still call
18 you.

19 MR. WARD: Okay.

20 MR. WOODY: I will share everything with
21 him, so he has, you know, a chance to listen to the
22 recording and see my notes.

23 MR. WARD: I am sorry, I can't find my
24 wallet that has some of that information.

25 MR. WOODY: All right.

26 MR. WARD: I don't know where it went.

27 MR. WOODY: If you happen to run out, just
28 put a piece of paper inside the, with your statement
29 there.

30 MR. WARD: Right, yeah, I will.

31 MR. WOODY: Yeah.

32 MR. WARD: What I did, what I did, was I
33 wrote a letter, an explanation to Doug Davis' wife,
34 because watching her on the media, I knew and I
35 could tell her that she has got so many questions
36 and so much disbelief, but she hasn't heard how it
37 happened. And, you know, for someone in that
38 position, to lose someone out there, so many years
39 in the situations, that make no sense whatsoever to
40 her, I, I was kind enough to give her, like I am
41 doing for you, the blow by blow scene that I saw.

42 MR. WOODY: Yes.

43 MR. WARD: For her, so that she could come
44 to terms with the happenstance of why and how it
45 happened. And I did provide that letter to one of
46 the ladies at the charter office to forward to her
47 last weekend.

48 MR. WOODY: Did you know Doug Davis or his
49 wife?

50 MR. WARD: I, I met them, I believe, once at
51 a party that Al Barney had for a guy that just got
52 his skipper license. We didn't really talk. We
53 weren't really friends, but, I have been fishing the

1 same area within close proximity for years. You
2 know, the Taki Too often fishes the exact same
3 ground and the exact same area that I do at --

4 MR. WOODY: Yes.

5 MR. WARD: So, I am really familiar with
6 watching him and how he handles his vessel, how he
7 talks to people, you know, I have seen cross the bar
8 many times. I have even seen him sit outside and
9 wait to come in on a bar that was really bad.
10 Because, in instances where the bar is bad, more
11 treacherous for a 30 footer to come in a breaking
12 bar then it is to go out.

13 MR. WOODY: I see.

14 MR. WARD: Because of the current at a
15 crossing overflows and it angles to the turn and the
16 breakers tend to occur, can really send the boat for
17 a loop real fast.

18 MR. WOODY: Okay.

19 MR. WARD: You have to be really fast on the
20 wheel and the throttle to counteract any water
21 movement that you encounter and it is constantly
22 changing if you are trying to come into the bay.
23 Which it is particularly treacherous coming in.

24 MR. WOODY: What, I realize you are a
25 commercial fisherman.

26 MR. WARD: Right.

27 MR. WOODY: There is a regulation on the
28 books that says when you are crossing a hazardous
29 bar, you have to wear life jackets.

30 MR. WARD: I think that should be, that
31 should be for real.

32 MR. WOODY: That should be for real.

33 MR. WARD: Yes, that should be for real. I
34 mean, as the bar, if the bar lights are on, even
35 though they are, for making the cross, either their
36 certification or size or whatever the case may be,
37 life jackets should be worn by, life jackets should
38 be worn by the public. I believe in that.

39 MR. WOODY: Yes.

40 MR. WARD: I, myself, had both, two life
41 jackets available, I mean, within hands reach of
42 myself and my crew member at the time, the whole
43 time that we were at the bar, because if I lose,
44 just say for instance, if my vessel is sitting there
45 and I am navigating the turn and stuff just inside
46 the bar on an outgoing tide, if I lose propulsion,
47 guess where we are going? We are going into the bar
48 with no propulsion, no navigation.

49 MR. WOODY: Okay.

50 MR. WARD: So, I made it absolutely certain
51 that we both had life vests within hands reach.

52 MR. WOODY: Okay.

53 MR. WARD: At all times while we were there.

1 MR. WOODY: Do you have an EPIRB on your
2 boat?

3 MR. WARD: No, I don't. See, that is one of
4 the, with my inspection, I am certified for near
5 shore, and near shore doesn't require an EPIRB
6 unless I go, I think, 10 miles or something like
7 that or beyond five miles with more than so many
8 people on my boat.

9 MR. WOODY: Now, the Coast Guard has got a
10 return about 7:20. Yeah, it was, I think 7:20, that
11 they got a return for a, well, a telephone call came
12 from, I believe it was Coast Guard in Seattle, that
13 two, the Garibaldi Crew Office, the Garibaldi
14 Charter Office asking about the EPIRB, that the
15 EPIRB had been heard.

16 MR. WARD: Right.

17 MR. WOODY: And that was the first
18 indication that Ms. Buell had of a casualty.

19 MR. WARD: Right.

20 MR. WOODY: And she said, well, I will find
21 out and get back to you, before she could, and then
22 just a moment or so later, she was informed that the
23 Taki Too had capsized.

24 MR. WARD: Right.

25 MR. WOODY: And then she called back and
26 said, yes, and they said, at this time they had also
27 heard it.

28 MR. WARD: Right.

29 MR. WOODY: The Coast Guard in Seattle, that
30 she had capsized.

31 MR. WARD: Yeah, I know the larger vessels,
32 due to the fact that they go out so many miles and
33 they are passenger vessel, that is one of the
34 requirements that they have an operating certified
35 EPIRB.

36 MR. WOODY: Yes.

37 MR. WARD: I personally due to the area that
38 I fish, within so many miles of shore, I am not
39 required to have one.

40 MR. WOODY: Yes.

41 MR. WARD: But, when I become a passenger, a
42 passenger vessel operator, I know my vessel has to
43 have one, or if I go beyond so many miles or if I go
44 beyond so many miles with so many people onboard.

45 MR. WOODY: You can see I am giving a sales
46 pitch. We had one --

47 MR. WARD: Yeah, yes, well, I do inspire to
48 a certified captain. And, you know, I am working on
49 my hours and my days. I have already got enough to
50 apply for the OUPV, which is a six pack license.

51 MR. WOODY: Yes.

52 MR. WARD: But, I am somewhere in-between
53 that and being able to take the test for tonnage.

1 MR. WOODY: I wish I could think of the name
2 of it, but it was a boat up, I want to say Everett
3 or someplace and he would go out fish for Halibut,
4 during the Halibut season. They had their Halibut
5 license, I recall, and there were two of them on the
6 boat, and they were fishing close to shore and you
7 know, they weren't watching their heading of their
8 boat, and all of a sudden a wave came along and
9 capsized the boat.

10 MR. WARD: Yeah, that does happen.

11 MR. WOODY: And --

12 MR. WARD: It depends on your vessel and it
13 depends on what the ocean gives you.

14 MR. WOODY: And --

15 MR. WARD: I mean, I have been out there in
16 the middle, like I say, normally in the swells, they
17 are just like all the rest, but every once in awhile
18 one three times the size of what you have been
19 riding all day long.

20 MR. WOODY: Right.

21 MR. WARD: Comes rolling in.

22 MR. WOODY: Right, right. And the one guy
23 was hit by the -- on board and died, but the other
24 guy kept up --

25 MR. WARD: Right, and there is always the
26 risk of injury during the motion of the vessel
27 turning over. You know, there is always there very
28 high possibility of hurting yourself before you are
29 actually are in the water.

30 MR. WOODY: So, he had an EPIRB, and the
31 Coast Guard found him. And so at least he saved one
32 life there with that doggone thing.

33 MR. WARD: Yes.

34 MR. WOODY: And, so anyway, I just point it
35 out to you. They are very worth something to have.

36 MR. WARD: Yeah, they are a little spending
37 though.

38 MR. WOODY: Oh, they are. They are two,
39 what do they cost about a thousand dollars now?

40 MR. WARD: Somewhere in between five, 500
41 and 1,000.

42 MR. WOODY: Yes, they are coming down a
43 little bit.

44 MR. WARD: Yeah.

45 MR. WOODY: They are way above the price of
46 the old fashion EPIRBs.

47 MR. WARD: Right.

48 MR. WOODY: Which were, you know, a couple
49 of hundred dollars or so.

50 MR. WARD: Right.

51 MR. WOODY: Yes. But, okay. Anything else
52 you think to tell me? I was just looking at my
53 notes here.

1 MR. WARD: Yeah, I have a couple of
2 questions for you.
3 MR. WOODY: Sure.
4 MR. WARD: And a couple of statements to
5 make.
6 MR. WOODY: Okay. Sure, yes.
7 MR. WARD: As the National Transportation
8 Safety Board conducting an investigation that
9 entails the people dying, and in your investigation
10 you are also conducting part of your investigation,
11 the sounding of the bar.
12 MR. WOODY: Yes.
13 MR. WARD: Correct. Now, when your
14 investigation is concluded, are you in a position to
15 make a recommendation to whoever it is empowered to
16 tell the Army Corps of Engineers, to go fix it?
17 MR. WOODY: Yeah, we, we don't have any
18 power to enforce but we make recommendations to just
19 about anybody.
20 MR. WARD: All right, okay, that is what --
21 MR. WOODY: We --
22 MR. WARD: My next question is --
23 MR. WOODY: We follow up with them and we
24 get, we try to use persuasion and everything we can
25 to --
26 MR. WARD: Right. Please do.
27 My next question is to whom will you make
28 such a recommendation, if that is what you decide to
29 do?
30 MR. WOODY: Well, we would, we could very
31 well make a recommendation to the Corps of Engineer.
32 We have made, we have made recommendations to many
33 different people. Like one time I know we made a
34 recommendation during the Cold War to the --
35 Shipyard in Condensa, Poland.
36 MR. WARD: Yes.
37 MR. WOODY: Because they built a bad
38 steering system and steering gear, and we made our
39 recommendation to them, and they responded. They
40 did what we recommended. So, some of, we make
41 recommendations that do do some good.
42 MR. WARD: Okay. Here is a question I don't
43 know if you will know the answer to.
44 MR. WOODY: Okay.
45 MR. WARD: In retrospect, if you as the
46 National Transportation Safety Board decide to make
47 a recommendation to the Corps of Engineers, to
48 correct the bar due to the nature of its hazard, and
49 they don't, or they decide to not follow your
50 recommendation, then whom would your recommendation
51 be required to be forwarded to, to cause them to do
52 it?
53 MR. WOODY: Well, we, we make --

1 MR. WARD: Would that take Congress or --

2 MR. WOODY: Yes, yes, we are an independent
3 federal agency. We are a small agency.

4 MR. WARD: Right.

5 MR. WOODY: We are independent. And we make
6 our recommendations to, to just about everybody, the
7 world.

8 MR. WARD: Okay.

9 MR. WOODY: And then we make an annual
10 report to Congress once a year and we tell them what
11 our desires are and what we haven't, what successes
12 we have had and what we haven't had. Then we have a
13 list of things that are on our most wanted list.

14 MR. WARD: Right.

15 MR. WOODY: And we, we, we publicize it and
16 everything, to try to get people to comply. It is a
17 matter of trying to tell as many people, telling
18 people to as many other people as we can to get them
19 to think about it, you know.

20 MR. WARD: Right.

21 MR. WOODY: But, we also try to be
22 persuasive and get people to agree with us.

23 MR. WARD: Right. Okay. Now here is the
24 information I proposed to you.

25 MR. WOODY: Okay.

26 MR. WARD: You can investigate this and I am
27 sure, to the best of my knowledge, I am correct.

28 MR. WOODY: Okay.

29 MR. WARD: Of all the -- and "bars" on the
30 Coast of Oregon, in relationship to the criteria
31 that the Corps of Engineers uses to be required to
32 dredge, there is a serious miscalculation of the --
33 of Tillamook Bay, and these are the reasons.

34 There are five tributaries to the Tillamook
35 Bay. I mean, there are five rivers that feed it.

36 MR. WOODY: Yes.

37 MR. WARD: Okay. Which causes a lot more
38 pressure and a lot more run out and the fact that
39 the Tillamook Bar is a distance from north to south
40 is smaller than most of the other bars on the coast,
41 that means we have more water pouring out of smaller
42 holes, and creating a lot faster and more rapid
43 current. And due to the deterioration of the beach
44 head north of this bar, which has taken all the sand
45 off the beach and pushed it out in front of the
46 north jetty, and in front of the bar, itself, which
47 has in turn caused the deep part of the channel,
48 just like the tip of the north jetty, to curve and
49 turn south.

50 MR. WOODY: Yes.

51 MR. WARD: That creates a deep part of the
52 channel where most of the high, fast moving water
53 takes its course, and it turns to go south.

1 However, a lot of it has to go up pass that channel,
2 westward, right into the ocean swells. Now, I
3 don't know what a lot of people probably thinking
4 about this, but the Army Corps of Engineers doing
5 their soundings, what are they doing that at? Are
6 they doing that at a medium tide or are they doing
7 that at a high tide, or are they calculating it for
8 the lowest possible tide of the year, and then also
9 factoring the possible likeliness of a nine foot
10 swell, which means you have got to take away another
11 half of that swell. So, let's say they say 18 feet,
12 and you do it at the very lowest tide of the year,
13 and then you take away half of a nine foot swell, so
14 subtract another four and a half feet, I will
15 guarantee you have got --

16 MR. WOODY: Well, I think, that part I
17 would, the issue of being with the extra space that
18 is needed to determine the height. They are pretty
19 careful about doing the different datas and --

20 MR. WARD: Right, but, this is my concern,
21 and as, you know, Garibaldi has lost a lot of
22 business because the bigger vessels just, they moved
23 out. The bar is too wicked. But, I know if you go
24 the very minor tide, and subtract four and a half
25 feet from that, there is a lot of that bar area that
26 could used to be dredged. However, 18 feet would be
27 dandy if it was exactly 18 feet across all the way
28 out to the main marker.

29 MR. WOODY: Yes. Okay.

30 MR. WARD: You know what I mean, because --

31 MR. WOODY: Yes.

32 MR. WARD: Then the swells would be coming
33 in and there wouldn't be any cross current that is
34 turning and pushing and, and then everything would
35 be very predictable. However, it is my opinion that
36 due to the pressure from the estuary and the
37 tributaries, and the size of the bar and the amount
38 of cubic meters of water to flow out of there on an
39 outgoing tide, that it needs to be a minimum of 35
40 feet until it dips to 35 feet, straight, not, no, no
41 curving channels.

42 MR. WOODY: Yes.

43 MR. WARD: See, that is the big problems
44 with, is the channel is curved and the deep part of
45 the water doesn't go straight out. If it went
46 straight out, yeah, that would be, even the way it
47 is right now, if the channel went straight out, that
48 would be great.

49 MR. WOODY: Yeah.

50 MR. WARD: You know, there wouldn't be as
51 much treacherous in this, you know, in everybody's
52 attempts to cross that bar.

53 MR. WOODY: You know, we, we, I know you are

1 not an expert on maintaining the sea wall, or the
2 jetties, but, if the jetties could be kept a little
3 longer, if they could be stretched out to where they
4 used to be --

5 MR. WARD: Yeah, and especially the north
6 jetty, you know, it gets, it gets blown from the
7 northwest.

8 MR. WOODY: Yes.

9 MR. WARD: But, the south jetty gets nailed
10 from the southwest and the west. The south jetty is
11 mushroomed and fallen. The north jetty from all,
12 from the channel turning to the south, creates a
13 pocket for it to fall into. And the pressure from
14 the sand of the beach head north of it and northwest
15 swells and because of that corner pocket, is causing
16 it to get turned to the south.

17 MR. WOODY: Yes.

18 MR. WARD: Which multiplies the problem,
19 whether they dredge or not, it is just going to get
20 worse. It is not ever going to get better unless
21 they dredge it straight out and then put the jetties
22 back where they were, however, it is my suggestion
23 that at the end of the north jetty where it has been
24 turned to the south, that they continue it back to
25 where it used to be as wide as that. Those jetties
26 were installed and they lasted quite awhile, but, if
27 the tip is expected to maintain itself for
28 longevity, it needs to be wider out there.

29 MR. WOODY: Yeah, yeah --

30 MR. WARD: So that it is more stable.

31 MR. WOODY: I see what you mean.

32 MR. WARD: Yes.

33 MR. WOODY: In other words you take this,
34 you take the part of the jetty that is moved around
35 to the left.

36 MR. WARD: Yes, that is wicked looking,
37 isn't it?

38 MR. WOODY: And use that as your, as your
39 width.

40 MR. WARD: Right, yes.

41 MR. WOODY: Yes, I know.

42 MR. WARD: The north parts of the very south
43 part of the curve just makes it that wide, another
44 100 feet.

45 MR. WOODY: What makes you think that the
46 sand is causing trouble by the north jetty came from
47 the beach?

48 MR. WARD: Okay.

49 MR. WOODY: Okay. I just am curious.

50 MR. WARD: I don't know if you are aware
51 over the last two and half to three years, each year
52 there has been a couple of storms out of the west,
53 northwest, that on just a high tide that the water

1 and the waves and the crashing breakers made it all
2 the way to the parking lot and when they do that,
3 they take all that sand all the way back out away
4 from the beach.

5 MR. WOODY: Okay. All right.

6 MR. WARD: Now, if you, in your mind you
7 were there, and you could see where that beach head
8 stops before it drops down and goes to the sand, all
9 those little bushes and roots and stuff hanging out.

10 MR. WOODY: Yes.

11 MR. WARD: Okay. That used to go out about
12 400 feet, that high, a few years back. They beach
13 had, you know, where all the dunes and the grass and
14 stuff are, that used to be another 400 feet west.
15 All that sand and debris got washed out in front of
16 the jetty. You know, it used to have a slope of
17 about one foot per hundred feet, after you get, you
18 know, from, from high tide is on your way out in the
19 ocean, it used to have a slope of about one foot per
20 hundred feet. Now, you are looking to even see any
21 slope at all until you get to 30 feet, which is way
22 out there.

23 MR. WOODY: Okay.

24 MR. WARD: You know what I mean?

25 MR. WOODY: Yes.

26 MR. WARD: I know for a fact that if you go
27 around that north tip on a north course, on a minus
28 two point tide with a nine foot swell, he was lucky
29 to have four feet of water under him, you know. And
30 that is dangerous, I mean, if we have to make the
31 choice to risk going into what looks soft where
32 there is no breakers, versus staying on the bar that
33 is breaking and end up in a situation where a bigger
34 breaker could take us, you know, that is pretty sad.

35 MR. WOODY: Yes.

36 MR. WARD: The whole idea of it is to get us
37 out beyond the breakers, to where we can make our
38 turn, our choice, whichever way we want to go
39 without risk. And it used to work, now it is just
40 getting more treacherous because of that channel has
41 turned.

42 MR. WOODY: Okay.

43 MR. WARD: It doesn't go straight out.

44 MR. WOODY: Now, I heard you say awhile ago,
45 I think about an eighth of a mile is going out.

46 MR. WARD: Yes.

47 MR. WOODY: And that would be like 250 yards
48 or --

49 MR. WARD: Something like that.

50 MR. WOODY: Something like that. Okay. I
51 just want to make sure I was kind of in the
52 ballpark.

53 MR. WARD: Let me think. Yeah, almost 300

1 yards.

2 MR. WOODY: There hundred yards.

3 MR. WARD: Out there, out there which is,
4 let me give you some -- it you make line north of
5 the tip, about 500 feet and then a line west, 1,000
6 feet, that is where everybody was encountering some
7 rather large swells that were breaking. So, out
8 there somewhere is a sand hill, you know, off the
9 beach head there, where some swells developed into
10 something that wasn't very pretty. I have been on
11 the Oakland Pilot, but I never seen the top of it,
12 you know, that day I saw the top of it twice.

13 MR. WOODY: Did you see the top of the
14 Oakland Pilot twice?

15 MR. WARD: Yes. I saw it twice. I was
16 like, wow.

17 MR. WOODY: And did you --

18 MR. WARD: I heard he lost a couple of side
19 windows. I don't know that that is true.

20 MR. WOODY: One window --

21 MR. WARD: But, I wouldn't doubt it.

22 MR. WOODY: One window got cracked. A
23 person's elbow or head or something hit a window and
24 did crack a window.

25 MR. WARD: I don't know that it was, if it
26 happened I would say it was from water.

27 MR. WOODY: Okay.

28 MR. WARD: When he went over, too, they were
29 breaking.

30 MR. WOODY: Okay. Did you see the Norwester
31 go out, take any kind of a, of a hit?

32 MR. WARD: The ones that, the two that he
33 met out there were breaking and they weren't really
34 big, they were maybe eight foot or something like
35 that, 10 foot.

36 MR. WOODY: Okay.

37 MR. WARD: And they were just swells that
38 were beginning to sharpen. And the bough on his
39 vessel just cut right through there, you know, spray
40 went flying and that was it.

41 MR. WOODY: Okay.

42 MR. WARD: His bough barely even lifted.
43 Yeah, but the Oakland, boy, she was up there.

44 MR. WOODY: Right.

45 MR. WARD: Yeah. I do have got give some
46 credit to Steve Danner, though, because that vessel
47 is a very good vessel and he has been practiced over
48 the last couple of years at bringing communication
49 lines from a ship and backing it into the beach, up
50 there at Rockaway.

51 MR. WOODY: Look, I have your, I have one
52 phone number from you on my voice mail.

53 MR. WARD: Yes.

1 MR. WOODY: Is that the number, is that the
2 phone you are using now?
3 MR. WARD: Yes, [REDACTED] yeah.
4 MR. WOODY: [REDACTED].
5 MR. WARD: [REDACTED].
6 MR. WOODY: [REDACTED].
7 MR. WARD: Okay. [REDACTED]
8 [REDACTED]
9 MR. WOODY: [REDACTED].
10 MR. WARD: That is my cell phone and I keep
11 it with me 24/7.
12 MR. WOODY: Okay.
13 MR. WARD: If I don't answer, go ahead and
14 leave a message and I will call you right back.
15 MR. WOODY: Okay. All right. Well, I
16 appreciate you running us down. As I say, we had an
17 gentleman named Robert Ford, who is the main guy,
18 who was going to call you. He may still call you.
19 MR. WARD: Okay.
20 MR. WOODY: After, well, it will be after,
21 probably it will be, well, he is the kind of guy
22 that likes to start from scratch, so, he may ask you
23 to do the same thing that I have done.
24 MR. WARD: Okay.
25 MR. WOODY: But, just be patient with us.
26 It is --
27 MR. WARD: Sure.
28 MR. WOODY: But, of course, I have been a
29 Marine investigator for a long time here, but he is
30 one of our new guys. He is a master mariner, and --
31 MR. WARD: Very good.
32 MR. WOODY: And he, you know, I probably
33 have more experience with small boats than he does,
34 you know, but he is learning, so, the kind of
35 information you have given me direct will be helpful
36 to him.
37 MR. WARD: Sure.
38 MR. WOODY: So, I hope when he calls you,
39 you wouldn't mind, do it again, do it again for him,
40 because it will be good training for him.
41 MR. WARD: Okay.
42 MR. WOODY: And I will share with him.
43 MR. WARD: What is the address to send that
44 literature to you?
45 MR. WOODY: Okay. Okay, right. It will be
46 Office of Marine Safety.
47 MR. WARD: OMS.
48 MR. WOODY: Right, exactly. And the next
49 line would National Transportation Safety Board.
50 MR. WARD: NTSB.
51 MR. WOODY: Right. And then next line will
52 be, this is where it kind of tricky.
53 MR. WARD: Okay.

1 MR. WOODY: So, I am going to read it. It
2 is 490.
3 MR. WARD: Four, nine, zero.
4 MR. WOODY: Now, the next word is where it
5 is hard to explain, L'Enfant. It is French.
6 MR. WARD: L'Enfant.
7 MR. WOODY: It is French, so it is capital
8 L, apostrophe, Enfant, just like a baby.
9 MR. WARD: E-N as November.
10 MR. WOODY: Yes, echo, November, foxtrot,
11 alpha, November. Like infant.
12 MR. WARD: L'Enfant.
13 MR. WOODY: Yes, L'Enfant.
14 MR. WARD: Okay. Is there is T in it?
15 MR. WOODY: Yes, there is the last, the last
16 letter is a T.
17 MR. WARD: Okay. So, L-E-N-F-A-N-T.
18 MR. WOODY: Right. And then the L and then
19 apostrophe, and then you start with a capital E, N-
20 F-A-N-T. It is sort of like the infant, the baby,
21 you know.
22 MR. WARD: Right, I see.
23 MR. WOODY: Okay. And the next word is
24 Plaza, P-L-A-Z-A, and the next word is East, E-A-S-
25 T.
26 MR. WARD: Say that again?
27 MR. WOODY: East.
28 MR. WARD: East.
29 MR. WOODY: Yeah, we are the east building,
30 E-A-S-T.
31 MR. WARD: All right.
32 MR. WOODY: Okay. Comma, SW for southwest.
33 MR. WARD: East, southwest.
34 MR. WOODY: Yeah, there are four buildings
35 here in L'Enfant Plaza. There are four buildings
36 here in L'Enfant Plaza.
37 MR. WARD: Right. 490 L'Enfant Plaza, East,
38 Southwest.
39 MR. WOODY: Okay. And the last line finally
40 is Washington, D.C. 20594.
41 MR. WARD: Two, zero, five, nine, four.
42 MR. WOODY: Yeah, and actually the 20594
43 will do all of us, it will get to us.
44 MR. WARD: Yeah, I bet.
45 MR. WARD: Okay.
46 MR. WOODY: So, the first line is --
47 MR. WARD: The other was, I just to impress
48 into your mind one more time about the pressure on
49 that particular estuary. Have you ever seen
50 pictures of Newport from the air?
51 MR. WOODY: No, I haven't.
52 MR. WARD: Have you ever been to Newport?
53 MR. WOODY: No.

1 MR. WARD: Okay. Sometimes our local
2 television channels have a glimpse while they are
3 doing the weather, they will show you a glimpse of
4 Newport.

5 MR. WOODY: Yes.

6 MR. WARD: If you have the opportunity,
7 actually I would like you to investigate this part
8 of it, but, the Columbia River Bar is very big, very
9 wide.

10 MR. WOODY: Yes.

11 MR. WARD: It is almost a mile wide.

12 MR. WOODY: Yes.

13 MR. WARD: However it also is one of the
14 most, it is the most treacherous place in the world.
15 But, it is wide and the amount of water flowing out
16 of there, even though the cubic meters per minute is
17 pretty high, it is still provides areas of safe
18 navigation on a regular basis, even though some
19 areas are unnavigable at the same time. Newport
20 and other estuaries that have a bar don't have as
21 many tributaries that cause, okay, just for
22 instance, Tillamook Bay when it says it is an eight
23 foot tide, by the time the ocean is done putting
24 eight feet water in there, the rivers have also put
25 anywhere from six inches to two and a half feet of
26 water, depending on how much rain has been in those
27 local mountains, on top of that eight feet. And
28 then when the ocean decides to let it all out, it
29 comes smoking out there. And if there is any kind
30 of flow over six foot, out of the ocean on a pretty
31 fast outgoing tide, that bar will break on a regular
32 basis consistently and constantly. And there is a
33 whole lot of people, there are thousand of people
34 that come to Tillamook every year that want to go
35 fishing, and want to go outside, but the Coast Guard
36 won't let them, because the bar is too dangerous
37 period. They just say it is restricted, restricted,
38 restricted. Of course, they don't care, but you
39 have got thousands of civilians with vessels that
40 would just love to use Garibaldi because of its
41 convenience, location and fish ability, that just go
42 out in the ocean and come back and have a great
43 time.

44 MR. WOODY: Right.

45 MR. WARD: And, and, it is a pity and it is
46 a really tiring thing, but you have got guys that
47 come down here, especially during Salmon season, and
48 they sit there and sit there and sit there watching
49 the tide and watching the 47 and listening to the
50 Coast Guard say you can't go.

51 MR. WOODY: Yes.

52 MR. WARD: Because it is too bad. And that
53 is too bad. I mean, I used to experience, it used

1 to make me as mad as a hornet. You know, I am
2 capable a lot of the times when they say 20 foot or
3 bigger, or 30 foot or bigger only, and here I am in
4 a 20, and I know I can do it, but I can't if I am
5 going sport fishing because, you know, it doesn't
6 follow the criteria of the past, you know, without,
7 without permission. So, just for that reason and
8 for the safety of all those people who, let's just
9 say they do let people out in the morning and then
10 when those people are returning in the afternoon,
11 the bar is restricted, even though they may or may
12 not able to navigate it safely, it creates a
13 situation where some people put themselves at risk
14 knowingly or not knowingly, and the Coast Guard, a
15 lot of the time is not available on the scene, when
16 the bar is restricted to observe and protect the
17 lives of the people who did do it.

18 So, the whole situation with Tillamook, I
19 mean, if you check out Newport, Newport is this wide
20 open, great, big bar with great big long straight
21 jetties and a nice straight channel, and you know,
22 the Columbia is a nice big bar with a nice big
23 channel, lots of choices and then the other bars on
24 the Oregon coast have pretty good bars with very
25 little pressure. -- the most treacherous one, due
26 to how much water flows out of that little gap.

27 MR. WOODY: Okay.

28 MR. WARD: And the fact that that channel
29 has been turned to the south because the north jetty
30 got curved.

31 MR. WOODY: Yes.

32 MR. WARD: And all that water, all that sand
33 from the beach got washed out there. I think that
34 is something you might want to look into, about,
35 about the beach, the erosion. You were there. Do
36 you remember seeing great big bags of sand?

37 MR. WOODY: Yes, I did. I remember.

38 MR. WARD: Yeah. Do you know what that is?

39 MR. WOODY: Yeah --

40 MR. WARD: A fricking band-aid.

41 MR. WOODY: Yes, that is right.

42 MR. WARD: That is about the fifth one they
43 put there. It is a joke. The ocean almost blew
44 right through the jetty last year. And twice now, I
45 think it has taken away their big sand bags.

46 MR. WOODY: Yes.

47 MR. WARD: And the ocean got into the
48 parking lot a couple of times.

49 MR. WOODY: You know --

50 MR. WARD: That is scary, isn't it?

51 MR. WOODY: It is, yes.

52 MR. WARD: Yeah.

53 MR. WOODY: I am going through my little

1 notes here, one thing I didn't get from you at the
2 beginning was your mailing address.
3 MR. WARD: Oh.
4 MR. WOODY: Okay.
5 MR. WARD: [REDACTED]
6 MR. WOODY: [REDACTED].
7 MR. WARD: [REDACTED]
8 [REDACTED]
9 MR. WOODY: Street.
10 MR. WARD: [REDACTED].
11 MR. WOODY: Okay.
12 MR. WARD: [REDACTED]
13 MR. WOODY: [REDACTED]
14 MR. WARD: [REDACTED]
15 MR. WOODY: [REDACTED]
16 MR. WARD: Right. [REDACTED]
17 MR. WOODY: I am sorry.
18 MR. WARD: [REDACTED]
19 MR. WOODY: [REDACTED]
20 [REDACTED]ht.
21 MR. WARD: Right.
22 MR. WOODY: Okay. And that was [REDACTED]
23 [REDACTED]
24 MR. WARD: Right.
25 MR. WOODY: Street, [REDACTED].
26 MR. WARD: Right [REDACTED]
27 [REDACTED]
28 MR. WOODY: Oh, do you?
29 MR. WARD: Yes, C-A-W-L-E-Y.
30 MR. WOODY: Okay. Jerry, last name, again,
31 please?
32 MR. WARD: C-A-W-L-E-Y.
33 MR. WOODY: Z?
34 MR. WARD: C.
35 MR. WOODY: C. C-A-W --
36 MR. WARD: C-A-W-L-E-Y.
37 MR. WOODY: Cawley.
38 MR. WARD: Yeah. And he works, he doesn't
39 have a home phone, but he works at an establishment
40 in Rockaway called Our Place. It is a restaurant
41 lounge.
42 MR. WOODY: Okay.
43 MR. WARD: You know, I was kind of fortunate
44 to be able to observe everything.
45 MR. WOODY: Yes, I would say you were.
46 MR. WARD: Yeah.
47 MR. WOODY: And you --
48 MR. WARD: And I know and I known all this
49 time that from my perspective on the whole morning
50 is paramount to all of the half information that all
51 the other people might have seen to be able to give
52 you.
53 MR. WOODY: Yes.

1 MR. WARD: And I tried to make many efforts
2 to get ahold of you so I could give you all this
3 information.

4 MR. WOODY: Yeah, I appreciate that. And I
5 appreciate the fact that you have some local
6 knowledge that you can interpret this thing for us.

7 MR. WARD: Yeah.

8 MR. WOODY: You mentioned that you had
9 written a letter for the benefit of Mrs. Davis.

10 MR. WARD: Right. I pretty much explained to
11 her what I have explained to you only in brief, you
12 know, that I was the second one to arrive to the bar
13 and I described everybody's crossings, all the way
14 to the point of leaving, because I couldn't do
15 anything.

16 MR. WOODY: Okay.

17 MR. WARD: But, I did it in brief and to the
18 point, and short as possible, because you know, it
19 is pointless to drag the poor lady through --

20 MR. WOODY: Yes.

21 MR. WARD: You know, endless futile words,
22 but, I think and I am hoping that helps her feel
23 better.

24 MR. WOODY: Yeah, I think it would.

25 MR. WARD: I hope so.

26 MR. WOODY: You know, one of the things we
27 have been asking everybody and I am not sure, but,
28 due to the fact that one guy goes across the bar
29 like the Norwester, does that put any pressure on
30 the other people to make it?

31 MR. WARD: Oh, you know the answer to that
32 one, Bill. Yeah, everybody goes in their mind,
33 everybody, including me, you know, he did, I can do
34 it.

35 MR. WOODY: Yeah.

36 MR. WARD: You know, everybody, they are
37 human. Of course those thoughts are going to go
38 through anybody's mind. However, I don't know Doug
39 Davis, personally, well enough to say that did or
40 didn't go through his mind.

41 MR. WOODY: Yes.

42 MR. WARD: I would assume it probably did.

43 MR. WOODY: Yes.

44 MR. WARD: You know, him being the, this is
45 the other part was, you know, he didn't position his
46 boat like I did to watch everybody's crossing. He
47 kind of stayed back because he was being courtesy
48 like I was, to let the others go first. And I don't
49 think he was right up close watching what they
50 looked at and when their decisions were made and
51 what they had to go through and the courses they
52 took, as much as I did. You know, a 23 footer, I
53 see everything that happens with those guys, you

1 know. And if I am going to do it, I need to know
2 what I am going up against.
3 MR. WOODY: Yes.
4 MR. WARD: You know, a lot of times I will
5 go to the bar right at dusk, it is still a little
6 dark.
7 MR. WOODY: Okay.
8 MR. WARD: And depending on the bar's
9 conditions, I will wait in, or wait just inside
10 until I can see or if it is calm enough, I will just
11 go.
12 MR. WOODY: Okay.
13 MR. WARD: And I will use the deep of the
14 channel and make the, make the crossing and go
15 through the south hole.
16 MR. WOODY: Okay. What kind of water does
17 your boat draw? I realize you have got swells that
18 probably make --
19 MR. WARD: They draw about two feet.
20 MR. WOODY: About two feet. Okay.
21 MR. WARD: I have got an outboard Merck 165.
22 MR. WOODY: Merck 165.
23 MR. WARD: Yes. And she is, she is, she is
24 almost fast enough.
25 MR. WOODY: Okay.
26 MR. WARD: Of course that is coming from the
27 perspective that when I add a 14 and a half foot
28 trihoe and 100 outboard, I can launch that things
29 airborne off a four foot swell. So, I can really
30 get with the program. I could get on the back of
31 the biggest status 22 foot breaker, and ride that
32 sucker right into the bar.
33 MR. WOODY: Yes.
34 MR. WARD: You know, or right inside.
35 However, my outgoing choice are more, because I --
36 going through a few breakers, you know, which I have
37 done before, you know, it depends on how big they
38 are, you know, I will go through a couple of little
39 breakers, no problem, to get out, because it is
40 navigable. It is safe enough as long as I keep my
41 throttle right and my navigation right, I am not
42 going turned sideways.
43 MR. WOODY: How much, when you, we heard the
44 term, quartering the seas, I am presume when you
45 are going out, if you are going northwest, and the
46 swells are from the west, there are going to be some
47 swells you would take on your port bough.
48 MR. WARD: Right.
49 MR. WOODY: And how many degrees from dead
50 to head do you take them?
51 MR. WARD: The recommendation is 10 degrees.
52 But, depending on, you know, you don't want to take
53 it, you can't take it straight. But, I think the

1 reason they tell you to not go perfectly straight
2 into it, is because the bough of your boat can go up
3 a lot higher before it tilts and comes back down in
4 reference to taking it at a small angle. But, I
5 know for a fact that, it is not so much the angle
6 you take, it is so much more of what you are
7 actually going through.

8 MR. WOODY: Yes. Okay.

9 MR. WARD: But, I am sure there is a small
10 slight advantage on the regular, on the regular
11 basis that if you take it at a slight angle, your
12 vessel will crest it and the turning and the pushing
13 of the, gets to your stern, will bring your bough
14 back down.

15 MR. WOODY: Okay.

16 MR. WARD: But, the only problem with it
17 coming back down the other side of this deep swell
18 on an angle is your rudder or your prop is moving
19 navigation and you are already at an angle.

20 MR. WOODY: Right.

21 MR. WARD: That is why I was, that is why I
22 don't know that Tamara Buell's description of the
23 Taki Too getting turned sideways by a swell because
24 Doug took them straight on as he was going out
25 across the bar. And so, having, not having an angle
26 to them, too, that he went over before he got turned
27 to the north, he was not at an angle to them, so I
28 don't see how the swell could have actually turned
29 him unless the one that he want, the one, the third
30 one, his bough hit it and it was coming at a
31 different angle. That is a possibility, but I
32 couldn't see that, you know what I mean?

33 MR. WOODY: Yes, okay.

34 MR. WARD: Yeah. Because I know if you go
35 straight through them, and you keep going straight
36 through them they are not going to get you turned.

37 MR. WOODY: Okay.

38 MR. WARD: But, if you are turned and then
39 you go over one and then your bough bites the next
40 one, you are already turned and it is going to push
41 it even harder.

42 MR. WOODY: Yes, that is right.

43 MR. WARD: But, his course of, his course of
44 navigation in the beginning of his crossing, did not
45 entail such an angle.

46 MR. WOODY: Let me ask you a question. If
47 you were to say, from one sea -- last year, and you
48 laid off say six months during the winter, someplace
49 out of town, where it is pleasant --

50 (Tape ended.)